

REMARKS

This present amendment is being filed concurrently with an Appeal Brief. The Examiner is requested to enter these amendments before considering the Brief.

Because the present application is under appeal, the above amendments are presented pursuant to 37 CFR 41.33 (b), sections (1) and (2). As indicated above, the amendments merely cancel claims without affecting the scope of any other pending claim or rewrite dependent claims into independent form. Specifically, dependent claims 6, 7 and 9 are rewritten in independent form and claims 5, 8, 11 and 13 are canceled. Accordingly, these amendments should be entered.

In the final Office Action, the Examiner maintained the objection to the drawings under 37 C.F.R. §1.83(a) as allegedly failing to show every feature of the invention specified in the claims. In response, Applicants respectfully traverse this objection for the previously stated reason that the claimed features are sufficiently shown in the drawings as well as described in the specification. Moreover, as pointed out in the Brief, claim terms such as “the metal advanced lateral crystallization region” and “plurality of metal advanced crystallization regions”, etc. are actually sufficiently shown in the drawings such that one of ordinary skill in the art at the time the invention was made would understand the claimed features from reading the specification and studying the drawings.

Further, as noted in Appellants’ January 23, 2006, Amendment, the objection to the drawings is directly related to a 35 U.S.C. §112, 1st paragraph, rejection of claims 3-9 presently on appeal. Hence, once a resolution of the alleged §112, 1st paragraph, issues is reached in the appeal, and if the Examiner still deems that the drawings as insufficient in showing the details of the claim features, Applicants will consider submitting more amended drawings or, if necessary, petitioning this objection.

The final Office Action also maintains the objection to the specification as allegedly failing to provide proper antecedent basis for the claimed subject matter. In response, Appellants respectfully submit that support for all the claim language was provided in a claim chart submitted with the Request for Interference Under 37 C.F.R. 1.607 filed on May 29, 2002, in the Amendment dated January 23, 2006, in the Appeal Brief filed on May 5, 2005, as well as in the Brief concurrently filed herewith (see, the Evidence Appendix). As pointed out in the Amendment filed on January 23, 2006, this chart clearly demonstrates that there is

adequate support for each any every claim limitation. Hence, the specification, drawings and claims, as well as the prosecution history of this application leave no uncertainty regarding support for the claimed features. Appellants reserve the right to also petition this objection, if necessary.

With respect to the rejection of claims 3-9 under 35 U.S.C. §112, 1st paragraph, as allegedly failing to meet the written description requirement, and the rejection of claims 1-3 and 10 and 12 under 35 U.S.C. §102(b) as allegedly being anticipated by Hideaki Oka (JP 02-140915 – hereafter Oka), the Examiner is respectfully directed to the accompanying Appeal Brief in which those rejections are addressed.

In view of the foregoing, it is respectfully requested that the rejections and objection of record be reconsidered and withdrawn by the Examiner, that claims 1-4, 6, 7, 9, 10, and 12 be allowed, and that the application be passed to issue. If a conference would expedite prosecution of the instant application, the Examiner is hereby invited to telephone the undersigned to arrange such a conference.

Respectfully submitted,

/John F. Guay, Reg.# 47248/
John F. Guay

NIXON PEABODY LLP
Suite 900,
401 9th Street, N.W.
Washington, D.C. 20004-2128
(202) 585-8000